

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 3:11-CV-1049-M-BK
	§	
HORACE SMITH,	§	
	§	
Defendant,	§	
	§	
and	§	
	§	
O'CONNOR & ASSOCIATES,	§	
	§	
Garnishee.	§	

**UNITED STATES' MOTION TO QUASH
WRIT OF GARNISHMENT**

The United States of America (United States) files this Motion to Quash Writ of Garnishment, pursuant to 28 U.S.C. § 3205(c)(10)(A).

The United States filed an Application for Writ of Garnishment, and pursuant to the Court's order, the United States District Clerk issued a Writ of Garnishment directed to Garnishee O'Connor & Associates, and its affiliates, successors, or assigns (Garnishee) for nonexempt property belonging to, or due LaShonta R. Odom (Odom), spouse of Defendant Horace Smith (Smith), who is a judgment debtor of the United States.

The writ was properly served on Garnishee, Smith, and Odom. Subsequent to filing the application, and after Odom was served, she contacted the undersigned

Assistant United States Attorney and asserted that she was not Horace Smith's spouse, and that Horace Smith is still married to someone else. The United States based its filing of the garnishment against Odom's assets on the information contained in the records of the United States Probation Office, which stated that Odom was Smith's spouse.

Additionally, Smith asserted that Odom was his wife in a Financial Statement he submitted to the Financial Litigation Unit of the United States Attorney's Office. Finally, according to the U.S. Probation Officer assigned to Smith's case, Smith had reported that Odom is his spouse.

The United States has conducted an investigation and is unable to find any record of a marriage between Horace Smith and LaShonta R. Odom. Our investigation revealed that Smith is married to Anong Smith. Though two petitions for divorce were filed to dissolve the marriage of Horace and Anong Smith, both were dismissed for want of prosecution. Accordingly, the United States moves to quash this garnishment action because all evidence supports LaShonta R. Odom's assertion that she is not the spouse of Horace Smith.

Wherefore, the United States moves the writ directed to Garnishee be quashed.

Respectfully submitted,

JAMES T. JACKS
UNITED STATES ATTORNEY

/s/ Mattie Peterson Compton
Mattie Peterson Compton
Assistant United States Attorney
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CERTIFICATE OF SERVICE

I certify that on this 2nd day of August 2011, a copy of the United States' Motion to Quash Writ of Garnishment was mailed to:

O'Connor & Associates
Michael Webb
2200 North Loop West, Suite 200
Houston, TX 77018
Garnishee

Horace Smith
801 Candle Meadow Blvd.
Desoto, TX 75115-1504
Defendant

LaShonta R. Odom
801 Candle Meadow Blvd.
Desoto, TX 75115
Party-in-Interest

/s/ Mattie Peterson Compton
Mattie Peterson Compton
Assistant United States Attorney